761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: November 16, 2006

OFFICE CORRESPONDENCE FILE NO.

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: ERIC K. HAMILTON, CAPTAIN
COMPTON STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, JANUARY 9, 2006, REVIEW #SH2162446**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on January 9, 2006.

The Committee met on November 16, 2006, and consisted of myself and Commanders Eric B. Smith (Leadership and Training Division) and Cecil W. Rhambo (FOR I). The Committee determined the use of force by Deputies Patrick Neal #[redacted] and Manuel Martinez #[redacted] was within Department policy.

Please inform the deputies of this results.

JGJ:MOT:mt



TABLE OF CONTENTS

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 01-09-2006	Bureau/Station/Facility: Compton Station	Admin. Invest.? ☐ Hit? ☒

Incident Information

URN: 006-00427-2824-145	Date: 01-09-2006 Time: 0124
City or Station: Compton Station	Nature of Incident: Deputies receive a radio call of a prowler armed with a handgun. Deputies locate suspect, order him to drop the weapon and the suspect charges at deputies. Deputies fire at suspect, striking him several times. Suspect is taken into custody and replica weapon recovered.
Location: [redacted] N. Sloan Avenue	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **(Street)** — circled
Other: ______

Lighting (*circle only one*): **(Darkness)**, Daylight, Other, **(Street Lights)**

Weather (*circle only one*): Clear, Cloudy, **(Fog)**, Rain

Distance: 15-20 feet

Incident Type (*circle one or more*): Accidental, **(Armed Person)**, **(Fleeing Suspect)**, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: ______

Initiated by (*circle only one*): Arrest Warrant, **(Call)**, Observation, One Person Unit, Other, Search Warrant, **(Two Person Unit)**

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **(Routine Patrol)**

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
21	0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Aguilar Jr.	Henry		**(EM)** PM Day	**(Regular)** Overtime Off Duty
[redacted]	Burk	Roland		**(EM)** PM Day	**(Regular)** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I.	
Street Addre[redacted]	City [redacted]	Zip [redacted]	Work Ph	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Addr[redacted]	City [redacted]	Zip [redacted]	Work Ph	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I.	
Street Addre[redacted]	City [redacted]	Zip [redacted]	Work Ph	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)	
[redacted]	Downey	Steven	S	**(On Duty)** Present during shooting	Witness to shooting Involved in shooting
				On Duty Present during shooting	Witness to shooting Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Alerich	Michael	J.

PSTD Use Only

SH # 2162446

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
01-09-06	0255	01-09-06	

Employee #	Last Name	First Name	M.I
[redacted]	Lee	Stacy	L.
[redacted]	Landreth	Larry	L.
[redacted]	Taylor	Rossanna	M.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

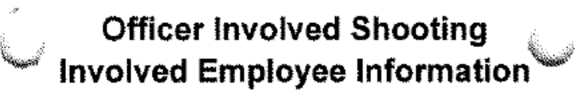
(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FO	ZZ	WW	N	N	NN	
S#1	E#2	FO	ZZ	WW	N	N	NN	
E#1	S#!	FH	BR	9	Y	Y	GS	HI
E#2	S#1	FH	BR	9	Y	Y	GS	LE



Officer Involved Shooting
Involved Employee Information

URN: 006-00427-2824-145

Involved Employee

E 1

Employee # [redacted] | Last Name: Neal | First Name: Patrick | M.I.:

Sex: M | Race: B | Rank: DS/B-1 | Unit Assignment: CPT | Work Assignment (Unit #, Module, etc.): 281

ShiftTime (*circle only one*): (EM circled) PM Day | ShiftType (*circle only one*): (Regular circled) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☒

Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled) | Other Factors: No laser sights

Age: [redacted] | Height: 5-10 | Weight: 190

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? ☒ | Number of Prior Shootings: 3

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

E 2

Employee # [redacted] | Last Name: Martinez | First Name: Manuel | M.I.: F.

Sex: M | Race: H | Rank: DSG | Unit Assignment: CPT | Work Assignment (Unit #, Module, etc.): 281

ShiftTime (*circle only one*): (EM circled) PM Day | ShiftType (*circle only one*): (Regular circled) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☒

Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled) | Other Factors: No laser sights

Age: [redacted] | Height: 5-08 | Weight: 160

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I.

E ___

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 006-00427-2824-145

Suspect Information

S 1	Last Name [redacted]	First Name [redacted]	M.I.
	AKA Last Name [redacted]	First Name [redacted]	M.I.
Sex: M Race: H	Street Addre[redacted]	City [redacted]	[redacted] Zip [redacted]
Work Phone:	H[redacted]	Social Sec[redacted]	Driver's Licen[redacted]
Age: 16 D.O.B [redacted]	Height: 6-00 Weight: 170	FBI # [redacted]	CII # [redacted]
Booking [redacted]	Primary Charge: 69 PV	Secondary Charge: 148.4 PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☒	Substance Used: Marijuana/Opiate
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make None		Model:	Year:

S__	Last Name	First Name	M.I.
	AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__	Last Name	First Name	M.I.
	AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__	Last Name	First Name	M.I.
	AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		[redacted]



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

2162446
LANDRETH

May 25, 2006

Captain Raymond Peavy
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File No. 06-0018
L.A.S.D. File No. 006-00427-2824-145

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 9, 2006, non-fatal shooting of [redacted] by Los Angeles County Sheriff's Deputies Patrick Neal and Manuel Martinez. It is the conclusion of this office that Deputies Neal and Martinez acted lawfully in self defense.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department Homicide Bureau, submitted to this office on April 13, 2006, by Detectives George Martinez and Jose Romero. No compelled statements were reviewed. The District Attorney Command Center was notified of this shooting at 2:22 a.m. on January 9, 2006. The District Attorney Response Team, consisting of Deputy District Attorney Daniel W. Baker and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the incident and a walk through of the scene by Lieutenant Al Grotefend and interviewed 17 witnesses in conjunction with investigators from the Los Angeles County Sheriff's Department.

At approximately 1:24 a.m. on January 9, 2006, uniformed Los Angeles County Sheriff's Deputies Patrick Neal and Manuel Martinez responded to a call regarding an armed prowler. Neal, with Martinez as his passenger, was driving a marked black and white Sheriff's patrol car westbound from Long Beach Boulevard on Elm Street approaching Burris Avenue in the City of

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

Compton. They each observed [redacted] in the center of Elm Street holding a Tech-9 machine gun. [redacted] took cover behind a telephone pole on the south side of Elm Street and pointed the Tech-9 in the deputies' direction. Neal and Martinez exited the patrol car and ordered [redacted] to drop the Tech-9. Instead of complying, [redacted] came from behind the telephone pole and ran in the deputies' direction while pointing the Tech-9 directly at them. Neal and Martinez, fearful that [redacted] was going to shoot them, both shot at the rapidly approaching [redacted] was struck by the deputies' gunfire and fell to the ground. On Neal's command, he threw the Tech-9 onto the street. [redacted] was taken by ambulance to St. Francis Medical Center where he was treated for gunshot wounds. Investigators who recovered the Tech-9 from the street found that it was a plastic replica of a Tech-9, not a firearm.

Pursuant to California law, a person is justified in using deadly force in self-defense when that person reasonably believes that he or she is in imminent danger of being killed or suffering great bodily injury and that the use of deadly force is necessary to protect against that danger. *Judicial Council of California Criminal Jury Instructions 505*. It is also well established law that the appearance of danger, as distinguished from actual danger, may be sufficient to justify the use of deadly force. People v. Jackson (1965) 233 Cal.App. 2d 639, 642.

The evidence reviewed in this investigation indicates that [redacted] pointed a replica Tech-9 firearm at Deputies Neal and Martinez. Because the replica was identical in size and appearance to a Tech-9, it was not possible to ascertain that it was plastic without physically examining it. Given the darkness and the aggressive manner in which [redacted] behaved while wielding the replica Tech-9, the deputies' belief that their lives were in danger was reasonable. Therefore, it is our opinion and legal conclusion that Deputies Neal and Martinez acted lawfully in self-defense. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Daniel W. Baker

DANIEL W. BAKER
Deputy District Attorney

c: Deputy Patrick Neal #[redacted]
Deputy Manuel Martinez #[redacted]